

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD DUANE DIEBEL,

Plaintiff,

vs.

Case No. 09-CV-13741
HON. GEORGE CARAM STEEH

DETROIT BOARD OF EDUCATION,

Defendant.

ORDER HOLDING MARCH 19, 2010 SHOW CAUSE ORDER (# 3)
IN ABEYANCE AND EXTENDING TIME FOR SERVICE THROUGH APRIL 13, 2010

Plaintiff Attorney Ronald Diebel, appearing pro se, was ordered on March 19, 2010, to show cause by March 30, 2010, why his September 22, 2009 Complaint should not be dismissed for lack of prosecution in that defendant Detroit Board of Education has not been shown to have been served within 120 days from the filing of the Complaint. See Fed. R. Civ. P. 4(m). Service was due by January 22, 2010. In his timely response, Diebel misstates that he filed the Complaint on December 22, 2009, and asks the court for permission to now serve the defendant. Diebel maintains that he has delayed service because he is a member of his Union's negotiating team with his employer, the defendant Detroit Board of Education, and that he did not want to create disharmony in those negotiations by serving his Complaint earlier.

Although plaintiff Diebel has taken an unreasonable amount of time to attempt service, Diebel has offered to take immediate action in response to this court's March 19, 2010, show cause order. The court finds that Diebel has shown good cause for a 14-day extension to serve defendant Detroit Board of Education. See Fed. R. Civ. P. 4(m). Accordingly,

The court's March 19, 2010, Order to Show Cause is hereby held in ABEYANCE to the extent plaintiff Diebel is hereby ORDERED to serve defendant Detroit Board of Education with process on or before April 13, 2010. Plaintiff Diebel's failure to file a proof of service with the court on or before April 13, 2010, demonstrating that defendant Detroit Board of Education was properly served on or before April 13, 2010, will result in the dismissal of this lawsuit for lack of prosecution. Timely filing of a proof of service, and timely service, will result in the dismissal of the March 19, 2010, Order to Show Cause, without prejudice.

SO ORDERED.

Dated: March 30, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
March 30, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk